



Atty. Dkt. No. 041673-2113

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gough, et al.

Title: TISSUE IMPLANTABLE  
SENSORS FOR MEASUREMENT  
OF BLOOD SOLUTES

Appl. No.: 10/698,911

Filing Date: 10/31/2003

Examiner: Not Yet Assigned

Art Unit: 3736

|  |
|--|
| <p align="center"><b>CERTIFICATE OF MAILING</b></p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.</p> <p align="center"><u>Michelle Simpson</u><br/>(Printed Name)</p> <p align="center"><u>Michelle Simpson</u><br/>(Signature)</p> <p align="center"><u>October 21, 2004</u><br/>(Date of Deposit)</p> |
|--|

**TRANSMITTAL OF MISSING PARTS**  
**OF PATENT APPLICATION**

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts of Application mailed June 22, 2004, in the above-identified application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

[ X ] Declaration and Power of Attorney (6 pages)

Any attached specification is a copy of the specification and any amendments thereto which were filed in the U.S. Patent and Trademark Office in order to obtain a filing date for the application.

[ X ] Return Copy of Notice to File Missing Parts

10/26/2004 DEMMANU1 00000097 500872 10698911

02 FC:2252 215.00 DA

-1-

023.261453.1

☒ Replacement Figure No. 7

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month  
☒ Extension for response filed within the second month  
☐ Extension for response filed within the third month  
☐ Extension for response filed within the fourth month  
☐ Extension for response filed within the fifth month

The filing fee is calculated below:

|  | Claims<br>as Filed | Included<br>in<br>Basic Fee | Extra Claims | Rate              | Fee<br>Totals |
|--|--------------------|-----------------------------|--------------|-------------------|---------------|
| Basic Fee  |                    |                             |              | \$790.00          | \$790.00      |
| Total  | 75                 | - 20                        | = 55         | x \$18.00         | = \$990.00    |
| Claims:  |                    |                             |              |                   |               |
| Independent  | 5                  | - 3                         | = 2          | x \$88.00         | = \$176.00    |
| ents:  |                    |                             |              |                   |               |
| If any Multiple Dependent Claim(s) present:  |                    |                             | +            | \$300.00          | = \$0.00      |
| Surcharge under 37 CFR 1.16(e) for late filing of<br>Executed Declaration                        |                    |                             | +            | \$130.00          | = \$130.00    |
| <input checked="" type="checkbox"/> Extension fee for response filed within<br>the second month: |                    |                             | +            | \$430.00          | = \$430.00    |
|  |                    |                             |              | SUBTOTAL:         | = \$2,516.00  |
| <input checked="" type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):               |                    |                             |              |                   | = \$1,258.00  |
|  |                    |                             |              | TOTAL FILING FEE: | = \$1,258.00  |
|  |                    |                             |              | TOTAL FEE         | = \$1,258.00  |
| Difference to pay:   |                    |                             | -            | \$1,043.00        | - \$215.00    |

☒ Please charge Deposit Account No. 50-0872 in the amount of \$215.00 in payment of surcharge fee (37 C.F.R. § 1.16(e))

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

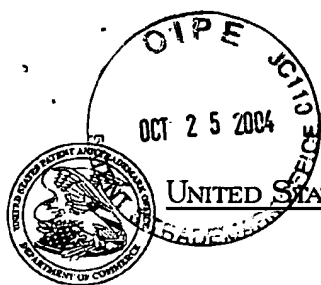
Respectfully submitted,

Date October 21, 2004

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6720  
Facsimile: (858) 792-6773

By Sayne Ahmed Reg # 51,182

for Stacy L. Taylor  
Attorney for Applicant  
Registration No. 34,842



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/698,911         | 10/31/2003             | David A. Gough        | 041673-2113            |

30542  
 FOLEY & LARDNER  
 P.O. BOX 80278  
 SAN DIEGO, CA 92138-0278

CONFIRMATION NO. 2984

## FORMALITIES LETTER



\*OC000000013035669\*

Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 7.

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

10/26/2004 DEWMANU1 00000097 500872 10698911g  
 01 FC:2051 65.00 DA

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*



---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE